



## COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 13-5

October 2, 2013

Petition of Comcast Cable Communications, LLC to establish and adjust the basic service tier programming, equipment, and installation rates for the communities in Massachusetts served by Comcast Cable Communications, LLC that are currently subject to rate regulation.

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### **HEARING OFFICER RULING ON THE TOWN OF SOMERSET'S PETITION TO INTERVENE**

On April 1, 2013, Comcast Cable Communications, LLC ("Comcast") filed FCC Forms 1240 and FCC Form 1205 proposing basic service tier programming, equipment, and installation rates for the communities in Massachusetts served by Comcast currently subject to rate regulation. Pursuant to G. L. c. 166A, § 15, and 207 C.M.R. § 6.03, the Department of Telecommunications and Cable investigates proposed basic service tier programming, equipment, and installation rates. This proceeding has been docketed as D.T.C. 13-5, and is a formal adjudicatory proceeding conducted under G. L. c. 30A and 801 C.M.R. § 1.00, *et seq.* of the Standard Adjudicatory Rules of Practice and Procedure.

On September 20, 2013, the Department received a petition to intervene from the Town of Somerset ("Petition"). The Board of Selectmen, represented by its Cable Advisory Committee of the Town of Somerset is the Issuing Authority of the license under which Comcast operates its cable television service in the Town of Somerset. Petition at 1. Under Massachusetts regulations, issuing authorities are not automatically parties to rate proceedings. 801 C.M.R. § 1.01(9). An interested person may participate as a party only if it files a petition to intervene and such petition is subsequently granted by the Department. *Id.* The petition to intervene must state with specificity how the petitioner is substantially and specifically affected

by the rate proceeding. *Id.* In determining whether a petitioner is substantially and specifically affect by a proceeding, the Department has broad discretion to determine whether to permit participation in Department proceedings, and the extent of such participation. *Att’y Gen. v. Dep’t of Pub. Utils.*, 390 Mass. 208, 216 (1983); *Boston Edison Co. v. Dep’t of Pub. Utils.*, 375 Mass. 1, 45 (1978), *cert. denied*, 439 U.S. 921 (1978); *see also Robinson v. Dep’t of Pub. Utils.*, 835 F. 2d 19 (1st Cir. 1987); *Newton v. Dep’t of Pub. Utils.*, 399 Mass. 535, 543, n.1 (1959). Such a determination is “based on individual facts establishing the ‘substantial and specific’ affect that the proceeding may have on the individual or entity seeking to intervene.” *Bd. of Health of Sturbridge v. Bd. of Health of Southbridge*, 461 Mass. 548, 558 (2012).

In its Petition, the Town of Somerset requests intervenor status because Comcast “is the only cable television franchise presently licensed and operating in the Town of Somerset, and consequently the Town and its citizens will be substantially and specifically affected by the results of said proceedings.” Petition at 1. The Department has consistently found that rate-regulated communities are substantially and specifically affected by the outcome of a rate setting proceeding. *See, e.g., Petition of Comcast Cable Commc’ns., LLC to Establish & Adjust the Basic Serv. Tier Programming, Equip., & Installation Rates for the Cmtys. in Mass. Served by Comcast Cable Commc’ns., LLC that are Currently Subject to Rate Regulation* (“Comcast Rate Setting Petition”), D.T.C. 13-5, *Hearing Officer Ruling on the Town Of Weymouth’s Petition to Intervene* (June 21, 2013); *Comcast Rate Setting Petition*, D.T.C. 12-2, *Hearing Officer Ruling on Petition to Intervene* (July 6, 2012); *Comcast Rate Setting Petition*, D.T.C. 10-8, *Order at 1* (Jan. 27, 2012) (the Department granted the petitions to intervenes of three rate regulated communities). As such, the Department finds that the Town of Somerset may be substantially

and specifically affected by this proceeding and the Petition otherwise satisfies the requirements of 801 C.M.R. § 1.01(9).

Accordingly, the Department GRANTS the Town of Somerset Petition in the above-referenced rate proceeding.

/s/ Lindsay DeRoche

Lindsay DeRoche  
Hearing Officer

#### NOTICE OF RIGHT TO APPEAL

Under the provisions of 220 C.M.R. § 1.06(d)(3), any aggrieved party may appeal this Ruling to the Commissioner by filing a written appeal with supporting documentation within five (5) days of this Ruling. A copy of this Ruling must accompany any appeal. A written response to any appeal must be filed within two (2) days of the appeal.